THE HON'BLE MR. JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25913 of 2007

Date:13.12.2007

Between:
Smt. B.Samyuktha Devi.

... Petitioner

AND
The Government of A.P., represented by its Secretary,
Irrigation and Command Area Development,
Secretariat Buildings, Hyderabad and two others.

... Respondents

Counsel for the petitioner: Sri N.Vasudeva Reddy.

Counsel for the respondents: Asst. Government Pleader for Land
Acquisition.

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THE HONOURABLE MR.JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.25913 of 2007

ORDER:-

This Writ Petition is filed for a Writ of Mandamus to declare the action of the respondents in laying (seeking to lay) the road through petitioner's land, approximately measuring Ac.1.20 guntas, in Survey Nos.153, 154 and 155 situated in Pochampalli village, Kodakandla Mandal, Warangal District, for the purpose of providing connectivity to the canal over-bridge proposed to be constructed at 316.6 Kms., without following due process of law, as arbitrary and illegal.

The only grievance of the petitioner as projected in the affidavit filed in support of the Writ Petition and put-forth by her counsel Sri N.Vasudeva Reddy, during the course of arguments, is that the land belonging to her is being proposed to be utilized by the respondents for a over bridge across the canal of Sriram Sagar Project, which is under construction. The petitioner averred that so far no proposal for acquisition is mooted by the respondents and that without acquiring her land by following the provisions of the Land Acquisition Act, 1894, she cannot be deprived of her property.

Learned Assistant Government Pleader for Land Acquisition, on instructions, says that so far the land of the petitioner has not been utilized for the purpose of approach road to the bridge under construction and that as and when her land is needed, they will not take over the said land without following due process of law.

In view of this statement of the learned Assistant Government Pleader for Land Acquisition, the Writ Petition is

disposed of with liberty to the petitioner to avail appropriate remedy if the respondents deny her the property without following the procedure envisaged in law.

C.V.NAGARJUNA REDDY,J
13-12-2007
MNR